

REMARKS

The non-final Office Action dated July 25, 2007 ("Office Action"), has been carefully considered. The specification has been amended at page 12, paragraph [0064] to correct a typographical error. No new matter has been added.

Claims 1-38 are pending. Claims 12-38 have been withdrawn. No new matter has been added. Entry of the amendments and remarks below and reconsideration of the present application are respectfully requested.

I. DOUBLE PATENTING REJECTION

Claims 1-11 are rejected on the ground of nonstatutory, obviousness-type double patenting as allegedly being unpatentable over claims 16-30 of U.S. Patent No. 5,780,055 to Habib *et al.* ("Habib"). Applicants disagree. For the reasons discussed below, Applicants believe that claims 1-11 are patentably distinct from claims 16-30 of Habib. Therefore, this rejection should be withdrawn.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

A. Claims 1-3 And 5-11 Are Rejected Under 35 U.S.C. § 102(b) As Being Anticipated by Habib.

Claims 1-3 and 5-11 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Habib. Applicants disagree. Claim 1 is directed to a compressible dosage form that includes *inter alia*, an active cushioning component that includes a cushioning component and a biologically active ingredient in the form of active-loaded particles.

Habib discloses placebo cushioning beads that do not contain a biologically active ingredient. As described in Habib, such placebo cushioning beads can then be combined with biologically active ingredient-loaded beads to form tablets (col. 30, ll. 31-38 and col. 45, ll. 59-62). Habib does not teach or suggest an active cushioning component, such as an active cushioning bead, that includes a cushioning component and a biologically active ingredient in the form of active-loaded particles.

For the reasons above, Applicants believe that claim 1 is patentable over Habib. Additionally, claims 2-3 and 5-11 depend from claim 1 and include all the recitations of claim 1.

Thus, Applicants believe claims 2-3 and 5-11 are also patentable over Habib. Therefore, the Applicants respectfully request that this rejection be withdrawn and claims 1-3 and 5-11 be allowed.

B. Claims 1-10 Are Rejected Under 35 U.S.C. § 102(b) As Being Anticipated by U.S. Patent No. 6,254,891 To Anaebonam *et al.*

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,254,891 to Anaebonam *et al.* ("Anaebonam"). Applicants disagree.

As discussed above, claim 1 is directed to a compressible dosage form. Anaebonam teaches a non-compressed extended release composition of acetaminophen that includes a blend of immediate release particles, controlled release particles and, optionally, placebo particles (col. 3, ll. 66 to col. 4, l. 5 and col. 6, ll. 60-63). The extended release acetaminophen compositions in Anaebonam are designed to be dispersed in edible medium so that individuals who cannot or have difficulty swallowing tablets, caplets or capsules can ingest the acetaminophen. Thus, Anaebonam does not teach or suggest compressible dosage forms.

Additionally, similar to Habib, Anaebonam does not teach or suggest an active cushioning component that includes a cushioning component and active-loaded particles. The placebo particles disclosed in Anaebonam, do not include a cushioning component comprising a highly-compactable filler, nor do they include a biologically active ingredient. Additionally, the acetaminophen controlled release and immediate release particles disclosed in Anaebonam do not include a cushioning component comprising a highly-compactable filler.

For the reasons discussed above Applicants believe that claim 1 is patentable over Anaebonam. Additionally, claims 2-10 depend from claim 1 and include all the recitations of claim 1. Thus, Applicants believe that claims 2-10 are also patentable over Anaebonam. Therefore, Applicants respectfully request that this rejection be withdrawn and claims 1-10 be allowed.

III. CLAIM REJECTION UNDER 35 U.S.C. § 103(a)

A. Claims 3 and 4 Are Rejected Under 35 U.S.C. § 103(a) As Being Unpatentable Over Habib

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Habib. Applicants disagree and respectfully request that this rejection be withdrawn and

claims 3 and 4 be allowed. Claims 3 and 4 depend from claim 1 and include all the recitations of claim 1. For the reasons discussed above, Applicants believe that claim 1 is patentable over Habib. Therefore, Applicants believe claims 3 and 4 are also patentable in view of Habib and respectfully request that this rejection be withdrawn.

IV. CONCLUSION

Since all claim rejections are believed to be overcome, all claims are believed to be in condition for allowance. An early notice to that effect would be appreciated. Should the Examiner not agree with the Applicants' position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

Respectfully submitted,

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F. Dominic Cerrito
F. Dominic Cerrito (Reg. No. 38,100)

By: Janet E. Fair
Janet E. Fair (Reg. No. 56,042)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939